

COUNT THREE

(Falsifying Records - Fourth Degree)

JACK B. CHESNER

on or about January 28, 1994, at the Township of Springfield, in the County of Union, elsewhere, and within the jurisdiction of this Court, did falsify or utter a writing or record knowing that it contained false statements or information, with the purpose to deceive Merchants Insurance Group; that is, the said JACK B. CHESNER did falsify a check #2025 for \$595 from the account of New Ramapo Amusement Inc. signed by JACK B. CHESNER as a binder for insurance by backdating the check to read January 24, 1994, or did utter the check, knowing it contained false information, with the purpose to deceive Merchants Insurance Group, contrary - to the provisions of N.J.S.A. 2C:21-4a, and against the peace of this State, the government and dignity of the same.

COUNT FOUR

(False Swearing - Fourth Degree)

JACK B. CHESNER

on or about November 23, 1994, at the Township of Springfield, in the County of Union, elsewhere, and within the jurisdiction of this Court, knowingly did falsely swear to the truth of a "Proof of Loss Statement to Merchants Insurance Group" to which he had previously made, in substance and in effect that Fana Theater Corp., t/a New Ramapo Amusements was insured for \$100,000 by Merchants Insurance Group at the time of the loss, when JACK B. CHESNER did not believe such a statement to be true, contrary to the provisions of N.J.S.A. 2C:28-2a, and against the peace of this State, the government and dignity of the same.

COUNT FIVE

(Attempted Theft by Deception - Second Degree)

JACK B. CHESNER

between on or about January 28, 1994, and on or about November 23, 1994, at the Borough of New Providence, in the County of Union, elsewhere, and within the jurisdiction of this Court, purposely did attempt to obtain the property of another by deception in the amount of \$75,000 or more; that is, the said JACK B. CHESNER, who at all times relevant hereto was the equitable owner of Fana Theater Corp. which operated the Ramapo Cinema, did purposely attempt to obtain property in the amount of \$75,000 or more from the Scottsdale Insurance Company by deception, by creating or reinforcing a false impression to Theodore Davies of Davies and Associates authorized broker for Scottsdale Insurance Company, that the insured property, namely, the business property inside the Ramapo Cinema, had a value of at least \$100,000,

WHEREAS, IN TRUTH AND IN FACT, as the said JACK B. CHESNER then and there well knew, prior to binding an insurance policy with Scottsdale Insurance Company for his business property in the theater, the said property was not worth \$100,000, contrary to the provisions of N.J.S.A. 2C:20-4, and

N.J.S.A. 2C:5-1 and against the peace of this State the government and dignity of the same.

COUNT SIX

(Falsifying Records - Fourth Degree)

JACK B. CHESNER

on or about January 31, 1994, at the Borough of New Providence, in the County of Union, elsewhere, and within the jurisdiction of this Court, did falsify or utter a writing or record knowing that it contained false statements or information, with the purpose to deceive Scottsdale Insurance Company; that is, the said JACK B. CHESNER did falsify an AFCO Commercial Finance Agreement of the insured, Wayne Ramapo Cinema signed by JACK B. CHESNER, by backdating the agreement to read January 25, 1994, or did utter the agreement, knowing it contained false information, with the purpose to deceive Scottsdale Insurance Company, contrary to the provisions of N.J.S.A. 2C:21-4a, and against the peace of this State, the government and dignity of the same.

COUNT SEVEN

(Falsifying Records - Fourth Degree)

JACK B. CHESNER

on or about January 31, 1994, at the Borough of New Providence, in the County of Union, elsewhere, and within the jurisdiction of this Court, did falsify or utter a writing or record knowing that it contained false statements or information, with the purpose to deceive Scottsdale Insurance Company; that is, the said JACK B. CHESNER did falsify check #2024 for \$427 from the account of New Ramapo Amusement Inc. signed by JACK B. CHESNER as a deposit for a binder on insurance, by backdating the check to read January 25, 1994, or did utter the check, knowing it contained false information, with the purpose to deceive Scottsdale Insurance Company, contrary to the provisions of N.J.S.A. 2C:21-4a, and against the peace of this State, the government and dignity of the same.

COUNT EIGHT

(False Swearing - Fourth Degree)

JACK B. CHESNER

on or about November 23, 1994, at the Borough of New Providence, in the County of Union, elsewhere, and within the jurisdiction of this Court, knowingly did falsely swear to the truth of a "Proof of Loss Statement to Scottsdale Insurance Company" to which he had previously made, in substance and in effect that the New Ramapo Amusement Inc., d/b/a Fana Theater Inc. & Wayne Ramapo Cinema was insured for \$100,000 by Scottsdale Insurance Company at the time of the loss, when JACK B. CHESNER did not believe such statement to be true, contrary to the provisions of N.J.S.A. 2C:28-2a, and against the peace of this State, the government and dignity of the same.

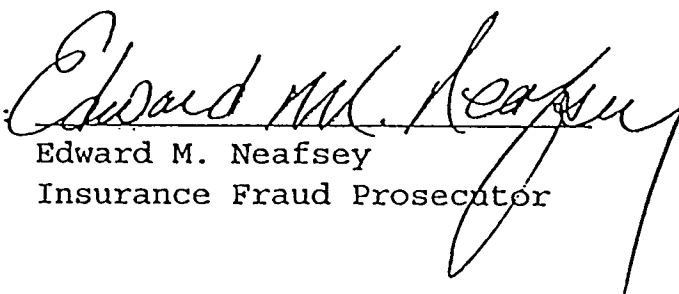
COUNT NINE

(Witness Tampering - Third Degree)

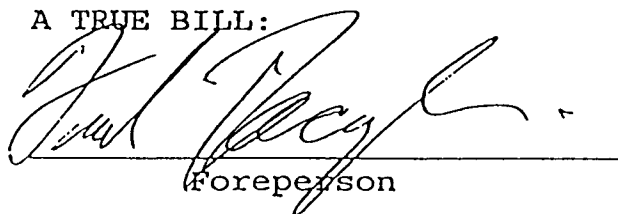
JACK B. CHESNER

between on or about January 14, 1997, and on or about February 4, 1997, at the City of Rahway, in the County of Union, elsewhere, and within the jurisdiction of this Court, believing that an official proceeding or investigation was pending or about to be instituted, knowingly did attempt to induce or otherwise cause Thomas Ridner, to testify falsely, contrary to the provisions of N.J.S.A. 2C:28-5a, and against the peace of this State, the government and dignity of the same.

Paul H. Zoubek, Director  
Division of Criminal Justice

By:   
Edward M. Neafsey  
Insurance Fraud Prosecutor

A TRUE BILL:

  
Foreperson

Dated: 1-28-99



SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - CRIMINAL

State Grand Jury

Number \_\_\_\_\_

Superior Court

Docket Number \_\_\_\_\_

STATE OF NEW JERSEY

)

v.

)

INDICTMENT

YOLANDA BENNING

)

The Grand Jurors of and for the State of New Jersey, upon  
their oaths, present that:

COUNT ONE

(Obtaining a Controlled Dangerous  
Substance by Fraud - Third Degree)

YOLANDA BENNING

between on or about November 1, 1997, and on or about February  
25, 1998, at the City of Trenton and at the Township of Ewing,  
both in the County of Mercer, elsewhere, and within the  
jurisdiction of this Court, knowingly did acquire or obtain  
possession of a controlled dangerous substance, that is, Stadol  
NS, a Schedule IV controlled dangerous substance, by  
misrepresentation, fraud, forgery, deception or subterfuge,  
contrary to the provisions of N.J.S.A. 2C:35-13, and against the  
peace of this State, the government and dignity of the same.

COUNT TWO  
(Theft by Deception - Third Degree)

YOLANDA BENNING

between on or about March 10, 1995 and on or about February 25, 1998, at the City of Trenton and at the Township of Ewing, both in the County of Mercer, elsewhere, and within the jurisdiction of this Court, did purposely obtain property of another in excess of \$500 by deception, that is, the said YOLANDA BENNING did purposely obtain Stadol NS, having a value in excess of \$500, whose cost was billed to and paid by Blue Cross/Blue Shield of New Jersey, Inc., by creating or reinforcing the false impression that the said prescriptions for Stadol NS were valid and written or authorized by physicians,

WHEREAS IN TRUTH AND IN FACT, as the said YOLANDA BENNING well knew, the said prescriptions were not valid and were not written or authorized by physicians, contrary to the provisions of N.J.S.A. 2C:20-4, and against the peace of this State, the government and dignity of the same.

COUNT THREE  
(Forgery - Third Degree)

YOLANDA BENNING

between on or about March 10, 1995 and on or about February 25, 1998, at the City of Trenton and at the Township of Ewing, both in the County of Mercer, elsewhere, and within the jurisdiction of this Court, with purpose to defraud or injure another, that is Blue Cross/Blue Shield of New Jersey, Inc., did utter writings in the form of prescriptions which she knew to be forged, in that the said YOLANDA BENNING did make, complete, execute, authenticate, issue or transfer the said writings to pharmacies which purported to be the acts of prescribing physicians who did not, in fact, authorize those writings, contrary to the provisions of N.J.S.A. 2C:21-1a(3), and against the peace of this State, the government and dignity of the same.

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Paul H. Zoubek, Director  
Division of Criminal Justice

A TRUE BILL:

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, Foreperson

DATED: \_\_\_\_\_

# STAR LEDGER

February 19, 1999

## Police name 13 in car insurance bilk

By Guy Sterling

STAR LEDGER STAFF

2-19-99

Ten were arrested and three oth-

ers were listed as fugitives yesterday as state investigators went looking for persons who allegedly sold their cars to a chop shop and illegal export ring and then received insurance payments on phony theft claims.

In all, the suspects bilked eight insurance companies out of more than \$150,000, said Edward Neafsey, the assistant attorney general who serves as the state's insurance fraud prosecutor. Individual claims ranged from \$7,200 to just under \$29,000 for vehicles that included a Lexus, BMW, Toyota 4-Runner and a Nissan Maxima.

According to authorities, the ring operated out of New York. Roughly half of those from New Jersey named in arrest warrants issued yesterday dealt with the ring through an unnamed middleman who solicited the purchases, while the others sold their cars to the chop shop and export ring directly, said Neafsey.

New York police have been investigating the operation since October 1997 and alerted the State Police to the possible involvement of New Jersey residents in October. State prosecutors were called into the case two months ago, said Neafsey.

The warrants charged each of the

13 suspects with conspiracy to commit theft and filing a false report. There may be additional charges when the probe moves to a grand jury, Neafsey added.

Investigators are still checking out what happened to the cars but believe the vehicles either were cut up for parts to be resold in the United States or abroad or were sent to other countries whole to be resold. New York detectives came upon the ring as part of a sting, prosecutors said.

The arrested suspects were identified as Domingo Almodovar, 32, of Jersey City; Robert Caruso, 49, of Union; Marco Franco, 34, of New York; Harold Henderson, 53, of Paterson; Christina Ocano, 39, of Jersey City; Walter and Tanya Talanczyk, both 50, of Maplewood; their daughter, Tamara, 24, also of Maplewood; Nancy Torres, 30, of Teaneck, and David Villegas, 25, of Union City.

Each was released on a personal recognizance bond after appearing before a judge in Jersey City. Attempts to reach them were unsuccessful.

The fugitives were identified as Amir Malik, 31, of North Bergen; Kendall Creed, 25, of Millville, and Aleksandra Stochmal, 30, of Rahway.

State v. Domingo Almodovar, et al

# East Orange man admits role in Elizabeth drug operation

By Guy Sterling  
STAR-LEDGER STAFF

Though they'd been watching the stash house in Elizabeth for months, state investigators were still amazed with what they found when they raided the third-floor apartment on Westfield Avenue.

There, in front of them, were all the trappings of a large-scale drug ring: scales, sorting and packaging equipment, a computer, a couple of loaded handguns, a ledger and other records.

But detectives also uncovered tens of thousands of prescription pills — Percocet, Xanax, Zantac and Claritan among them.

The drugs, many discovered stuffed into laundry bags in their original containers or repackaged cartons, were valued at close to a half-million dollars.

Some of the pills were earmarked for resale on the streets of Newark and other North Jersey municipalities. Others were tagged for delivery to middlemen dealing with pharmacies in New York.

Yesterday, an East Orange man admitted to a judge in Newark that he was the brains behind the operation, which authorities said traf-

ficked in the illegally obtained drugs at least between August 1996 and May 1997.

Morris "Foots" Dicker, 38, even acknowledged buying phony Medicaid cards and writing some of his own prescriptions.

In exchange for his plea, Deputy Attorney General Frank Cennaro said the state would recommend that Dicker be sentenced to 15 years in prison, with a condition he serve at least six years before becoming eligible for parole.

He has been free on \$75,000 bond in the state case but is confined to his home and wears an electronic-monitoring device. Dicker also pleaded guilty in a related federal case.

Dicker was one of a dozen persons charged by a state grand jury earlier this year with participating in the scheme that Attorney General Peter Verniero called "highly sophisticated and innovative."

Verniero said the scam had bilked the state's Medicaid program out of hundreds of thousands of dollars.

The indictment marked the first time the state's racketeering statute has been used in a case of alleged health-care fraud.

Two others pleaded guilty to being part of the ring before the case was presented to the panel.

Named in more than half of the indictment's 51 counts, Dicker pleaded guilty to racketeering, being the leader of a drug ring and distributing Percocet, a pain-killer classified as a controlled dangerous substance.

Citing sensitive information, Superior Court Judge Betty Lester took the unusual step of clearing the courtroom before reviewing the plea agreement with Dicker.

His plea was the eighth in the case, with five defendants already sentenced.

Prosecutions remain pending against three medical doctors and one of their receptionists.

State authorities have accused the doctors of writing the phony prescriptions for a fee. Dicker claimed he never had direct contact with any of them.

According to the indictment, the network operated with each member assigned a specific task: Doctors who wrote bogus prescriptions with the aid of their office personnel; buyers who purchased drugs without any examination and often with the aid of a fake Medicaid card they were provided; runners, some of them juve-

The Star Ledger

September 29, 1998

niles, who brought the pills to the stash house; and packagers who boxed the pills for redistribution.

Sales in New York yielded the ring \$50,000 or more in cash on a single trip, with the drugs transported across the Hudson in laundry bags, authorities said. Pills were also available for purchase at a jewelry store in Newark.

Investigators came upon the network with the help of an informant

who eased the way for undercover agents from several police agencies to get inside the enterprise. One was able to obtain six prescriptions for each of five phony Medicaid identification cards during one doctor's visit.

The ring was smashed after the raid on the Elizabeth apartment in May 1997.

State v. Morris Dicker, et al

SUPERIOR COURT OF N.J.  
FILED

JAN 14 1998

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - CRIMINAL

DONALD F. PHELAN State Grand Jury  
CLERK Number

SGJ390-97-10

Superior Court

Docket Number

98 - 01 - 00003-S

STATE OF NEW JERSEY )

v. )

MORRIS DICKER )  
also known as )  
FOOTS )

WILLIE BURCH )  
also known as )  
NEPHEW )

CARLOS CAMPOS, M.D. )

INDICTMENT

GILBERTO DE JESUS )  
also known as )  
JUNIOR )

PEGGY JUISTON )

WILMER MALDONADO )  
also known as )  
WILL )

LENWOOD MCQUEEN )  
also known as )  
LENNY )

ALFREDO MENDEZ )  
also known as )  
BRAIN )

ARLENE MORALES )

ADELAIDA RAMOS )  
also known as )  
LALI )

JOSE RIOS, M.D. )

and )

AFTAB SIDDIQUI, M.D. )

The Grand Jurors of and for the State of New Jersey, upon  
their oaths, present that:

COUNT ONE

(Conspiracy to Commit Racketeering - Second Degree)

MORRIS DICKER

WILLIE BURCH

CARLOS CAMPOS, M.D.

GILBERTO DE JESUS

PEGGY JUISTON

WILMER MALDONADO

LENWOOD MCQUEEN

ALFREDO MENDEZ

ARLENE MORALES

ADELAIDA RAMOS

JOSE RIOS, M.D.

and

AFTAB SIDDIQUI, M.D.

who are named as the defendants herein, and other persons whose  
identities are known and unknown to the Grand Jurors, who are  
named as coconspirators, but not as defendants herein, at the  
times and places hereinafter specified, with the purpose of  
promoting or facilitating the commission of the crime of  
racketeering, did conspire, confederate and agree together that:

A. One or more of them would engage in conduct which would constitute the crime of racketeering, or

B. One or more of them would aid in the planning, solicitation or commission of the crime of racketeering, that is, the defendants and the unindicted coconspirators, being persons employed by and associated with an enterprise, which enterprise was engaged in or activities of which affected trade or commerce, would conduct or participate, directly or indirectly, in the conduct of the enterprise's affairs through a pattern of racketeering activity, in violation of N.J.S.A. 2C:41-2c, all as hereinafter described.

#### The Relevant Times and Places

1. The conspiracy occurred between in or about August 1996, and on or about May 21, 1997, at the City of Newark, at the City of East Orange, at the Township of Irvington, all in the County of Essex, at the City of Elizabeth, in the County of Union, in the State of New York, elsewhere, and within the jurisdiction of this Court.

#### The Enterprise

2. MORRIS DICKER, WILLIE BURCH, CARLOS CAMPOS, M.D., GILBERTO DE JESUS, PEGGY JUISTON, WILMER MALDONADO, LENWOOD MCQUEEN, ALFREDO MENDEZ, ARLENE MORALES, ADELAIDA RAMOS, JOSE RIOS, M.D., AFTAB SIDDIQUI, M.D., and other persons whose



identities are known and unknown to the Grand Jurors, would constitute an enterprise within the meaning of N.J.S.A. 2C:41-1c, that is, a group of individuals associated in fact, which was an illegal entity.

The Purposes of the Enterprise

3. It was a part of the conspiracy that the purposes of the enterprise would include the following:

A. Obtaining money for members and associates of the enterprise in the following ways:

- (1) By aiding and engaging in theft by deception;
- (2) By distributing and possessing with the intent to distribute medications, consisting of controlled dangerous substances and prescription legend drugs;
- (3) By maintaining or operating a controlled dangerous substance production facility;
- (4) By employing a juvenile in a drug distribution scheme; and
- (5) By destroying, falsifying or altering records relating to medical care.

B. Concealing and attempting to conceal from law enforcement authorities the existence of the enterprise, the means through which it would conduct its affairs, and the

locations from which it would conduct its affairs, including but not limited to using cellular telephones and electronic paging devices, and using a variety of locations, including businesses, residences and motor vehicles for storage of controlled dangerous substances and prescription legend drugs which members and associates of the enterprise bought and sold, in order to frustrate and avoid detection by law enforcement.

C. Perpetuating the enterprise through an organized and structured chain of command, delineated roles of members and associates and sharing of illicit profits.

The Methods of Operation of the Enterprise

4. It was a part of the conspiracy that the methods whereby the defendants and the unindicted coconspirators would conduct and participate in the conduct of the enterprise would include the following:

A. The enterprise would be a structured and organized criminal group which operated primarily in New Jersey and New York.

B. The affairs of the enterprise would be conducted through a pattern of racketeering activity, which would include:

(1) The fraudulent sale of Medicaid Eligibility Identification Cards in order to facilitate the unlawful

distribution of medications, consisting of controlled dangerous substances and prescription legend drugs, at government expense under the Medicaid program;

(2) The unlawful prescription and distribution of controlled dangerous substances by members of the enterprise who would be licensed medical doctors, without proper medical examination or necessity therefor;

(3) The falsification of records relating to medical care by maintaining medical files containing false information as to medical histories, diagnoses, medical treatments and medications prescribed, in order to create the false impression that there was a medical necessity to prescribe medications, consisting of controlled dangerous substances and prescription legend drugs, for Medicaid recipients, who, in reality, would be neither examined nor treated by the prescribing physicians;

(4) The theft of money by deception by members of the enterprise, who would knowingly purchase medications, consisting of controlled dangerous substances and prescription legend drugs, obtained through the fraudulent use and sale of Medicaid Eligibility Identification Cards, at prices well below the amounts paid by the government to reimburse the pharmacies

which had dispensed said medications, which medications then were resold by members of the enterprise at a profit;

(5) The maintenance or operation of a premises or facility used for the manufacture of controlled dangerous substances, including oxycodone, a Schedule II narcotic drug, at which said substances would be received, sorted, counted and repackaged for later resale;

(6) The employment and use of a juvenile, who was seventeen years of age or younger, to distribute and possess with the intent to distribute controlled dangerous substances, and to maintain or operate a premises or facility used for the manufacture and storage of said substances; and

(7) The possession with the intent to distribute and distribution of controlled dangerous substances in order to obtain financial benefit for members and associates of the enterprise.

#### The Roles of the Defendants

5. The defendants did agree that they would play the following roles, among others, in conducting the affairs of the enterprise:

A. MORRIS DICKER would be a member of the enterprise who would organize, supervise, finance, manage or direct other

members and associates of the enterprise in their criminal conduct, including, but not limited to, hiring and employing subordinate members of the enterprise, including a juvenile, providing members of the enterprise with monies to be used to purchase medications, consisting of controlled dangerous substances and prescription legend drugs, obtaining vehicles for the transportation of those medications, transporting those medications to a storage and repackaging location, and distributing those medications.

B. WILMER MALDONADO and WILLIE BURCH would be members of the enterprise who would purchase medications, consisting of controlled dangerous substances and prescription legend drugs, which had been acquired at government expense under the Medicaid program by persons who had no legitimate medical reason to purchase such medications, and who would transport said medications to various storage locations.

C. ALFREDO MENDEZ AND GILBERTO DE JESUS would be members of the enterprise who would receive medications, consisting of controlled dangerous substances and prescription legend drugs, purchased by other members and associates of the enterprise and transport them to various storage locations.

D. ADELAIDA RAMOS would be a member of the enterprise

who would sort, count and repackage for distribution, medications, consisting of controlled dangerous substances and prescription legend drugs, which had been purchased by other members and associates of the enterprise.

E. LENWOOD MCQUEEN would be a member of the enterprise who would frequent various doctors' offices to make available for unlawful sale and fraudulent use, Medicaid Eligibility Identification Cards, in order to assist persons in obtaining prescriptions for medications, consisting of controlled dangerous substances and prescription legend drugs, and having said prescriptions filled at government expense under the Medicaid program in order that said medications could be resold to other members and associates of the enterprise for a profit.

F. PEGGY JUISTON and ARLENE MORALES would be members of the enterprise who would be employed as receptionists at doctors' offices, and who would create or maintain false medical files and other records for members and associates of the enterprise seeking to obtain prescriptions for medications, consisting of controlled dangerous substances and prescription legend drugs, in order to make it appear that said prescriptions were issued for a legitimate medical purpose, who would provide both "patients" and doctors with lists of said medications to be

dispensed, and who would counsel the recipients of the prescriptions as to how such medications could be resold to other members and associates of the enterprise for a profit.

G. JOSE RIOS, M.D. and CARLOS CAMPOS, M.D. would be members of the enterprise who, as licensed medical doctors, would illegally dispense, by way of prescription, medications consisting of controlled dangerous substances and prescription legend drugs, to persons who they had neither examined nor treated, and who they well knew had no medical condition necessitating such prescriptions, and who would participate in the falsification of medical records in order to create the false appearance and impression of legitimate medical purpose for said medications.

H. AFTAB SIDDIQUI, M.D., would be a member of the enterprise who, as a licensed medical doctor, would illegally dispense, by way of prescription, medications consisting of prescription legend drugs, to persons who he had neither examined nor treated, and who he well knew had no medical condition necessitating such prescriptions, and who would participate in the falsification of medical records in order to create the false appearance and impression of legitimate medical purpose for said medications.

## THE PATTERN OF RACKETEERING ACTIVITY

6. The pattern of racketeering activity, as defined in N.J.S.A. 2C:41-1d, would consist of at least two incidents of racketeering conduct, including maintaining or operating a controlled dangerous substance production facility (N.J.S.A. 2C:35-4), distribution of controlled dangerous substances (N.J.S.A. 2C:35-5a(1), N.J.S.A. 2C:35-5b(4), N.J.S.A. 2C:35-5b(5) and N.J.S.A. 2C:35-5b(13)), possession with the intent to distribute controlled dangerous substances (N.J.S.A. 2C:35-5a(1), N.J.S.A. 2C:35-5b(4), N.J.S.A. 2C:35-5b(5) and N.J.S.A. 2C:35-5b(13)), employing a juvenile in a drug distribution scheme (N.J.S.A. 2C:35-6), theft by deception (N.J.S.A. 2C:20-4) and destruction, falsification or alteration of records relating to medical care (N.J.S.A. 2C:21-4.1), all as described herein and in Counts 4, 5, 6, 9, 10, 13, 14, 17, 18, 21, 22, 25, 26, 29 and 32 through 48, inclusive.

All in violation of N.J.S.A. 2C:41-2d and N.J.S.A. 2C:5-2, and against the peace of this State, the government and dignity of the same.



COUNT TWO

(Racketeering - Second Degree)

MORRIS DICKER

CARLOS CAMPOS, M.D.

PEGGY JUISTON

WILMER MALDONADO

LENWOOD MCQUEEN

ARLENE MORALES

ADELAIDA RAMOS

JOSE RIOS, M.D.

and

AFTAB SIDDIQUI, M.D.

between in or about August 1996, and on or about May 21, 1997, at the City of Newark, at the City of East Orange, at the Township of Irvington, all in the County of Essex, at the City of Elizabeth, in the County of Union, in the State of New York, elsewhere, and within the jurisdiction of this Court, did commit the crime of racketeering, that is, the defendants and other persons employed by and associated with an enterprise engaged in or activities of which affected trade or commerce, did conduct or participate, directly or indirectly, in the conduct of the enterprise's affairs through a pattern of racketeering activity

as hereinafter described.

### The Enterprise

MORRIS DICKER, WILLIE BURCH, CARLOS CAMPOS, M.D., GILBERTO DE JESUS, PEGGY JUISTON, WILMER MALDONADO, LENWOOD MCQUEEN, ALFREDO MENDEZ, ARLENE MORALES, ADELAIDA RAMOS, JOSE RIOS, M.D., AFTAB SIDDIQUI, M.D. and other persons whose identities are known and unknown to the Grand Jurors, would constitute an enterprise within the meaning of N.J.S.A. 2C:41-1c, that is, a group of individuals associated in fact, which was an illegal entity.

The purposes of the enterprise, the methods of operation of the enterprise and the roles of the defendants in conducting the affairs of the enterprise as set forth in Count One of this Indictment are incorporated herein by reference.

### The Pattern of Racketeering Activity

The pattern of racketeering activity, as defined in N.J.S.A. 2C:41-1d, did consist of at least two incidents of racketeering conduct, including maintaining or operating a controlled dangerous substance production facility (N.J.S.A. 2C:35-4), distribution of controlled dangerous substances (N.J.S.A. 2C:35-5a(1), N.J.S.A. 2C:35-5b(4), N.J.S.A. 2C:35-5b(5) and N.J.S.A. 2C:35-5b(13)), possession with the intent to distribute controlled dangerous substances (N.J.S.A. 2C:35-5a(1), N.J.S.A.

2C:35-5b(4), N.J.S.A. 2C:35-5b(5) and N.J.S.A. 2C:35-5b(13)), employing a juvenile in a drug distribution scheme (N.J.S.A. 2C:35-6), theft by deception (N.J.S.A. 2C:20-4) and destruction, falsification or alteration of records relating to medical care (N.J.S.A. 2C:21-4.1).

MORRIS DICKER

did commit the racketeering conduct of distribution and possession with the intent to distribute controlled dangerous substances, maintaining or operating a controlled dangerous substance production facility and employing a juvenile in a drug distribution scheme, which racketeering conduct is the subject of Counts 4, 5, 6, 9, 10, 13, 14, 17, 18, 21, 22, 25, 26, 29 and 37 of this Indictment.

WILMER MALDONADO

did commit the racketeering conduct of maintaining or operating a controlled dangerous substance production facility, possession with the intent to distribute controlled dangerous substances and theft by deception, which racketeering conduct is the subject of Counts 25, 26, 29 and 37 of this Indictment.

ADELAIDA RAMOS

did commit the racketeering conduct of maintaining or operating a controlled dangerous substance production facility and possession

with the intent to distribute controlled dangerous substances, which racketeering conduct is the subject of Counts 25, 26 and 29 of this Indictment.

PEGGY JUISTON

did commit the racketeering conduct of dispensing controlled dangerous substances, theft by deception and destruction, falsification or alteration of records relating to medical care, which racketeering conduct is the subject of Counts 32, 33, 38, 41, 42, 46 and 47 of this Indictment.

ARLENE MORALES

did commit the racketeering conduct of dispensing controlled dangerous substances and destruction, falsification or alteration of records relating to medical care, which racketeering conduct is the subject of Counts 34, 35, 36, 39, 40, 43, 44 and 45 of this Indictment.

LENWOOD MCOQUEEN

did commit the racketeering conduct of dispensing controlled dangerous substances and theft by deception, which racketeering conduct is the subject of Counts 34, 35 and 37 of this Indictment.

JOSE RIOS, M.D.

did commit the racketeering conduct of dispensing controlled

dangerous substances and destruction, falsification or alteration of records relating to medical care, which racketeering conduct is the subject of Counts 34, 35, 36, 39, 40, 43, 44 and 45 of this Indictment.

CARLOS CAMPOS, M.D.

did commit the racketeering conduct of dispensing a controlled dangerous substance and destruction, falsification or alteration of records relating to medical care, which racketeering conduct is the subject of Counts 32 and 33 of this Indictment.

AFTAB SIDDIQUI, M.D.

did commit the racketeering conduct of destruction, falsification or alteration of records relating to medical care, which racketeering conduct is the subject of Counts 38 and 41 of this Indictment.

FORFEITURES

1. All allegations of this Indictment are hereby incorporated by reference and realleged as if fully set forth herein, for the purpose of alleging forfeitures pursuant to N.J.S.A. 2C:41-3b.

2. The defendants MORRIS DICKER, CARLOS CAMPOS, M.D., PEGGY JUISTON, WILMER MALDONADO, LENWOOD MCQUEEN, ARLENE MORALES, ADELAIDA RAMOS, JOSE RIOS, M.D. and AFTAB SIDDIQUI, M.D. have

property constituting:

A. Approximately five hundred thousand (\$500,000) dollars in United States currency acquired and maintained in violation of N.J.S.A. 2C:41-2, as described in Counts One and Two of this Indictment, all subject to forfeiture to the State of New Jersey; and

B. Other things of value, including in excess of four hundred thirteen thousand (\$413,000) dollars worth of prescription legend drugs acquired and maintained in violation of N.J.S.A. 2C:41-2, as described in Counts One and Two of this Indictment, all subject to forfeiture to the State of New Jersey.

All contrary to the provisions of N.J.S.A. 2C:41-2c, and against the peace of this State, the government and dignity of the same.

# ASBURY PARK PRESS

1/28/99

## Man convicted in Medicaid fraud

By TERRI SOMERS  
LAW ENFORCEMENT WRITER

A JERSEY City man was convicted yesterday of taking part in an elaborate Medicaid fraud scheme in which millions of dollars in unnecessary blood tests were sent to a Manalapan medical laboratory in exchange for kickbacks in 1995.

Tahir S. Sherani, who owned two medical labs in North Jersey, was convicted of conspiracy, theft by deception, corporate misconduct and money laundering. For each of these crimes he faces a maximum five years in prison, said Deputy Attorney General John Krayniak, who

prosecuted the case along with Deputy Attorney General Cherrie Black.

Sherani also was found guilty of two counts of Medicaid fraud, for which he faces a maximum three years in prison on each count when he is sentenced April 1, before Superior Court Judge Michael D. Farren in Freehold, Krayniak said.

He was the last of five people named in the 1997 indictment. The others have all since pleaded guilty and have been sentenced, or are expected to be sentenced, to time in state prison, Krayniak said.

The state attorney general's office said Mohammad A. Javid, the man-

ager of United Diagnostic Laboratory in Manalapan, paid more than \$1.7 million in kickbacks to four men who operated clinics in the northern New Jersey area.

In return, the clinics sent the lab blood samples. Javid then billed Medicaid for the unnecessary tests.

Sherani owned clinics in Irvington and Newark. From there, Krayniak said, he would purchase blood from "blood brokers" and send it to the Freehold lab for unnecessary tests.

In a government sting operation, Sherani was caught on tape buying blood from a Trenton woman who was working as an informant for police, he said.

State v. Tahir S. Sherani



# HEALTH CARE FRAUD REPORT



VOL. 3, NO. 1 PAGES 1-60

JANUARY 13, 1999

## New Jersey

### **Former Clinic Manager Pleads Guilty To Medicaid Money Laundering Scheme**

**N**ew Jersey Attorney General Peter Verniero announced Dec. 23, 1998, the guilty plea of a former manager of three now defunct medical clinics who defrauded Medicaid of more than \$75,000.

Rehan Zuberi, from Flushing, N.Y., pled guilty to theft by deception and money laundering for his participation in "one of the largest money laundering operations in New Jersey" involving five men, a blood laboratory, and a management company, according to a statement from the Attorney General's office.

According to Paul Zoubek, director of the Division of Criminal Justice, Zuberi and his partner, Arshad Kahn, currently a fugitive, allegedly submitted a total of \$1.2 million in fraudulent Medicaid claims. Physicians they employed took blood samples from drug addicted Medicaid recipients and billed Medicaid for large sums of money for "bogus blood tests."

The physicians also gave numerous prescriptions to the drug addicts who participated in the Medicaid scheme. The addicts would then either sell the prescriptions or fill them and sell the drugs back to vendors, according to the announcement.

**Some Blood Samples Purchased.** Zuberi and Kahn, neither of whom are physicians, also purchased blood samples from willing participants and submitted the specimens under randomly drawn names from Medicaid recipient files. They used their identification numbers to submit the samples to United Diagnostics Laboratories with a request to perform an expensive panel of tests.

In promoting a coordinated offensive against fraud, Assistant Attorney General Edward Neafsey, the state's Insurance Fraud Prosecutor, will refer the case to the Division of Law for a civil enforcement action to recoup Medicaid monies. "We will continue to diligently pursue and prosecute all types of health and insurance fraud because we all pay when fraud corrupts the insurance marketplace," Verniero said.

Zuberi is scheduled to be sentenced before Monmouth County Supreme Court Judge Michael Farren on March 1. He's agreed to pay \$50,500 in restitution and to be disqualified as a Medicaid provider for at least five years.

Two other men indicted also pled guilty for their participation in the Medicaid scheme. Mohammed Javid manager of United Clinical Laboratory in Manalpan N.J., pled guilty to two second degree fraud counts on March 16, 1998. Javid, a cooperating witness, agreed to testify for the state. He faces 14 years in prison.

Zahid Ilyas pled guilty to second degree counts of theft by deception and money laundering on June 10 1998. He was sentenced to six years in a state prison Sept. 4, 1998.

United Clinical Laboratory pleaded guilty to theft by deception and money laundering on March 16, 1998. United Diagnostics Laboratories pleaded guilty to the same charges in June 1998.

**State v. Rehan Zuberi**



DECEMBER 24, 1998

SINCE 1879

# Former clinic operator admits Medicaid fraud

By LISA L. COLANGELO  
STAFF WRITER

A FORMER medical clinic operator pleaded guilty yesterday to taking part in an elaborate Medicaid fraud scheme in which millions of dollars in unnecessary blood tests were sent to a Manalapan medical laboratory in exchange for kickbacks in 1995.

Rehan Zuberi, of Flushing, N.Y., entered a guilty plea yesterday before Superior Court

Judge Michael D. Farren on charges of theft by deception and money laundering. Zuberi ran two clinics in Paterson and one in Newark. Both are now closed.

Zuberi, 29, was one of five people named in the conspiracy last year. The state attorney general's office said Mohammad A. Javid, the manager of United Diagnostic Laboratory in Manalapan, paid more than \$1.7 million in kickbacks to four men who operated clinics in the northern New Jersey area. In return, the clinics sent the lab blood samples. Javid then billed Medicaid for the unnecessary tests.

According to Paul Zoubek, director of the Division of Criminal Justice, the blood samples were often drawn from drug-addicted Medicaid recipients who received prescriptions in return. Other samples were drawn from people willing to sell their blood for money and sent to

the lab under the names of Medicaid recipients.

Prosecutors said Zuberi and his partner in the clinics, Arshad Kahn of Connecticut, submitted \$1.2 million in bogus Medicaid claims on their own.

As part of his plea agreement, Zuberi agreed to serve six years in prison, pay fines and \$50,500 in restitution and be disqualified as a Medicaid provider for at least five years. He will be

sentenced by Farren on March 1. He is currently out on bail.

Kahn is a fugitive.

Javid, formerly of Metuchen, pleaded guilty last March to charges of theft by deception and money laundering. Another clinic operator, Zahid Ilyas, of Edison, also pleaded guilty in June to theft by deception and money laundering. He agreed to pay restitution of \$688,875.36 and is no longer allowed to act as a Medicaid provider. In September, he was sentenced to six years in prison.

Both have agreed to cooperate with the state.

Tahir S. Sherani of Jersey City, the only remaining defendant named in the 1997 indictment, faces charges of conspiracy, two counts of Medicaid fraud, corporate misconduct and money laundering, when his case goes to trial before Farren next month.

PETER VERNIERO  
ATTORNEY GENERAL OF NEW JERSEY  
ATTORNEY FOR PLAINTIFF

BY: JOHN KRAYNIAK  
DEPUTY ATTORNEY GENERAL  
DIVISION OF CRIMINAL JUSTICE  
• MEDICAID FRAUD SECTION  
25 MARKET STREET, P.O. Box 085  
TRENTON, NEW JERSEY 08625  
(609) 984-5695

SUPERIOR COURT OF NEW JERSEY  
COUNTY OF UNION  
LAW DIVISION - CRIMINAL  
ACCUSATION NO. 98-11-01513

STATE OF NEW JERSEY, )

v. )

FELIX ZAK )

Defendant. )

CRIMINAL ACTION

ACCUSATION

COUNT ONE

Medicaid Fraud - Third Degree

FELIX ZAK

between on or about January 5, 1995, and on or about March 31, 1996, at the Township of Union, in the County of Union, elsewhere, and within the jurisdiction of this Court, the said FELIX ZAK willfully did receive medical assistance payments under the New Jersey Medical Assistance and Health Services Act (N.J.S.A. 30:4D-1 et seq.), to which he was not entitled, or in a greater amount than that to which he was entitled, by submitting claims that included mileage charges that were higher than the mileage actually driven during the provision of

transportation services to Medicaid recipients by F & L Medical Transportation, Inc., contrary to the provisions of N.J.S.A. 30:4D-17(a), N.J.S.A. 2C:2-6 and N.J.S.A. 2C:2-7, and against the peace of this State, the government and dignity of the same.

Respectfully submitted,

PETER VERNIERO  
ATTORNEY GENERAL OF NEW JERSEY

Dated: 12/16/88

By: John J. Krayniak P.A.G. For John Krayniak  
John Krayniak  
Deputy Attorney General  
Division of Criminal Justice

Summons No.  
File No. CJ94-0150-F  
G:94-0150\legal\accusation.zak

PETER VERNIERO  
ATTORNEY GENERAL OF NEW JERSEY  
ATTORNEY FOR PLAINTIFF

BY: JOHN KRAYNIAK  
DEPUTY ATTORNEY GENERAL  
DIVISION OF CRIMINAL JUSTICE  
MEDICAID FRAUD SECTION  
25 MARKET STREET, P.O. Box 085  
TRENTON, NEW JERSEY 08625  
(609) 984-5695

SUPERIOR COURT OF NEW JERSEY  
COUNTY OF UNION  
LAW DIVISION - CRIMINAL  
ACCUSATION NO. *98-11-015*

STATE OF NEW JERSEY,	)	<u>CRIMINAL ACTION</u>
	)	
v.	)	ACCUSATION
	)	
LEONID GILLER	)	
	)	
Defendant.	)	

COUNT ONE

Medicaid Fraud - Third Degree

LEONID GILLER

between on or about January 5, 1995, and on or about March 31, 1996, at the Township of Union, in the County of Union, elsewhere, and within the jurisdiction of this Court, the said LEONID GILLER willfully did receive medical assistance payment under the New Jersey Medical Assistance and Health Services Act (N.J.S.A. 30:4D-1 et seq.), to which he was not entitled, or in a greater amount than that to which he was entitled, by submitting claims that included mileage charges that were higher than the mileage actually driven during the provision of

transportation services to Medicaid recipients by F & L Medical Transportation, Inc., contrary to the provisions of N.J.S.A. 30:4D-17(a), N.J.S.A. 2C:2-6 and N.J.S.A. 2C:2-7, and against the peace of this State, the government and dignity of the same.

Respectfully submitted,

PETER VERNIERO  
ATTORNEY GENERAL OF NEW JERSEY

Dated:

11/20/98

By:

John Krayniak  
John Krayniak  
Deputy Attorney General  
Division of Criminal Justice

Summons No.  
File No. CJ94-0150-F  
G:94-0150\legal\Giller.ACC

# ATLANTIC CITY PRESS

October 10, 1998

*Press of Atlantic City 10/10/98*

## Director of former V'land center indicted in Medicaid fraud

■ Tommie Murry Jr., 39, of Cinnaminson, and the firm that ran the substance-treatment center allegedly falsely billed Medicaid for thousands of dollars in services. He faces up to 10 years in jail based on the charges.

By MICHELE DARNELL  
Statehouse Bureau

TRENTON — The executive director of a now-defunct drug- and alcohol-treatment center in Vineland and the corporation that ran it were indicted by a state grand jury Friday on charges the facility bilked Medicaid out of thousands of dollars by billing for services that were never rendered.

Tommie Murry Jr., 39, of Cinnaminson, and The Excel Center Inc. were both indicted on charges of conspiracy, theft by deception and two counts of Medicaid fraud, according to Paul H. Zoubek, director of the N.J. Division of Criminal Justice.

Murry was also indicted on a charge of corporate official misconduct.

Back in July 1997, state and county officials seized documents from three corporations and eight facilities statewide, including Excel Cumberland Clinical & Management Associates, an outpatient drug-and alcohol-

## Indict

(Continued from Page C1)

treatment center located on North Main Road.

Friday's indictment was the first public action following that search.

State officials now allege that Murry, the Vineland center's chief executive, had employees falsify records in 1995 and 1996 to indicate that patients had received treatment when they really had not.

Two of the allegedly fabricated treatment sessions were reported to have occurred on Jan. 8 and 9 of 1996, during the so-called "Blizzard of 96." Due to heavy snowfall, Gov. Christie Whitman had declared a snow emergency on those days and banned all nonessential travel on N.J. roads.

"New Jersey's medical safety net must not be weakened by unscrupulous providers," said state Attorney General Peter Verniero in announcing Friday's indictment.

"We will investigate and prosecute white-collar criminals who steal Medicaid that should be directed to our more vulnerable citizens' health care" he added.

Medicaid is a federal and state

blind and disabled, as well as low-income families with children.

Excel allegedly submitted its false Medicaid claims — totaling more than \$75,000 — to Newcomb Medical Center in Vineland. Those bills were then submitted to the state for payment.

Newcomb spokeswoman Chris Ward-Garrison said Friday that the hospital — which turned over records regarding Excel to the state and has not been accused or suspected of any wrongdoing — had a contractual agreement with the center to provide outpatient treatment for several years.

If convicted, Murry could face a maximum sentence of 10 years in prison and a fine of up to \$100,000 each on the charges of conspiracy, theft and misconduct, all second-degree crimes. Excel could be fined up to \$300,000 on the counts of conspiracy and theft.

A conviction on both counts of Medicaid fraud could subject Murry and Excel to another \$20,000 each in fines. Murry could also face up to six years in jail for those two charges.

Murry has not been arrested, but is expected to surrender to officials at his yet-to-be-scheduled arraignment. He has an unlisted phone number and could

State v. Tommy Murry, Jr.  
and Excel Center, Inc. et al

# NEW YORK TIMES

October 10, 1998

*New York Times 10/10/98*  
**Ex-Official Accused  
Of Medicaid Fraud**

TRENTON, Oct. 9 (AP) — The former executive director of a Vineland outpatient drug and alcohol treatment center was indicted today on Medicaid fraud charges, said State Attorney General Peter G. Verniero.

A state grand jury named Tommie Murry Jr., 39, of Cinnaminson, and the Excel Center Inc. in a five-count indictment alleging fraud, conspiracy, theft by deception and corporate official misconduct.

Search warrants were executed last year at eight drug and alcohol centers, two hospitals and three corporate affiliates across the state.

"New Jersey's medical safety net must not be weakened by unscrupulous providers," Mr. Verniero said. "We will investigate and prosecute white-collar criminals who steal Medicaid funds that should be directed to our more vulnerable citizens' health care."

The alleged fraud occurred between July 1995 and December 1996 and totals more than \$75,000. Excel, sponsored by Newcomb Medical Center in Vineland, submitted false claims through the center, which then billed the federally financed state program, the indictment said.

If convicted, Mr. Murry could face more than 30 years in prison.

<p>State v. Tommy Murry, Jr. and Excel Center, Inc. et al</p>
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## VINELAND DAILY JOURNAL

October 10, 1998

# Former director of local treatment center indicted

By MIKE FRANOLICH  
Gannett News Service

TRENTON — A Cinnaminson man and the now-defunct outpatient substance abuse treatment center he ran in Vineland were indicted by a state grand jury Friday on theft, fraud and conspiracy charges, officials said.

Tommie Murry Jr., 39, was indicted on five counts: conspiracy, theft by deception, two counts of Medicaid fraud and

misconduct by a corporate official.

Murry remained free Friday but was expected soon to surrender, according to the state Division of Criminal Justice.

If convicted, Murry faces up to 39 years in jail and fines totaling \$330,000. Corporate owners of The Excel Center on North Main Road in Vineland, where Murry was executive director, are subject to fines totaling \$620,000, according to

the criminal justice division.

Excel is charged with conspiracy, theft by deception and two counts of Medicaid fraud.

Murry allegedly directed the center's staff to fabricate patient records. Using them, the center allegedly received at least \$75,000 in Medicaid payments, authorities said.

Among other fraudulent activities, Murry allegedly had a housing employee at the Excel Bridgeton housing complex lead

therapy sessions on Jan. 8 and 9, 1996, during the "Blizzard of '96," according to the Division of Criminal Justice.

The charges stem from search warrants executed by the Division of Criminal Justice last year at eight drug and alcohol abuse treatment centers in the state.

Friday's indictments were the first generated by the raids and the investigation was continuing, authorities said.

State v. Tommy Murry, Jr.  
and Excel Center, Inc. et al



SUPERIOR COURT OF N.J.

FILED

OCT 9 1998

DONALD F. PHELAN  
CLERK

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - CRIMINAL

State Grand Jury

Number SGJ 402-98-5

Superior Court

Docket Number 98-10-00058-S

STATE OF NEW JERSEY

v.

TOMMIE MURRY, Jr.

and

THE EXCEL CENTER, INC.

INDICTMENT

The Grand Jurors of and for the State of New Jersey, upon their oaths present that:

COUNT ONE

(Conspiracy - Second Degree)

TOMMIE MURRY, Jr.

and

THE EXCEL CENTER, INC.

who are named as defendants herein, and other persons whose identities are both known and unknown to the Grand Jurors, who are named as coconspirators but not as defendants herein, between on or about July 19, 1995 and on or about December 13, 1996, at the City of Vineland, in the County of Cumberland, at the Borough of Roselle Park, in the County of Union, at the Borough of Manasquan and the Township of Morganville, in the County of Monmouth, elsewhere and within the jurisdiction of this Court, with the purpose of promoting

or facilitating the commission of the crimes of Medicaid fraud, misconduct by a corporate official and theft by deception, did agree that:

A. One or more of them knowingly would engage in conduct which would constitute the aforesaid crimes, or

B. One or more of them knowingly would aid in the planning, attempt or solicitation of said crimes, that is;

1. Medicaid Fraud (Third Degree), through the receipt of medical assistance payments in a greater amount than they were entitled, and through the submission of false statements in violation of N.J.S.A. 30:4D-17 (a) and (b).

2. Misconduct By a Corporate Official (Second Degree), deriving a benefit of \$75,000 or more, in violation of N.J.S.A. 2C:21-9c.

3. Theft by Deception (Second Degree), of property valued at \$75,000 or more, in violation of N.J.S.A. 2C:20-4.

The Grand Jurors aforesaid, upon their oaths, do further present that in pursuance of the said conspiracy, the following Overt Acts, among others, were committed:

#### OVERT ACTS

1. On or about July 1, 1995, to on or about August 1, 1995, TOMMIE MURRY, Jr. did instruct clinical director B.M., a person whose identity is known to the grand jurors, that the day program of the Excel Center, Inc. would be holding five daily therapy groups.

2. On or about January 8, 1996, TOMMIE MURRY, Jr. did direct clinical supervisor B.M., a person whose identity is known to the grand jurors, to have a housing

employee prepare and collect sign-in attendance sheets and conduct therapy groups at the Excel housing complex in Bridgeton, New Jersey.

3. On or about January 10, 1996, TOMMIE MURRY, Jr. did direct J.D., a person whose identity is known to the grand jurors to forward to the corporate billing coordinator sign-in attendance sheets for January 8 and 9, 1996.

4. On or about August 11, 1995, TOMMIE MURRY, Jr. did have a conversation with clinical supervisor B.M., a person whose identity is known to the grand jurors and discussed with her the fact that signed attendance sheets would be obtained before the patients left on an outing.

5. On or about September 27, 1996, TOMMIE MURRY, Jr. directed the Excel Center staff to work on the weekend to fabricate entries on the patients' charts.

6. On or about October 30, 1996, TOMMIE MURRY, Jr. directed the Excel Center staff to work on the weekend to fabricate entries on the patients' charts.

All in violation of N.J.S.A. 2C:5-2 and N.J.S.A. 2C:2-7 and against the peace of the State, the government and dignity of the same.

COUNT TWO

(Theft by Deception - Second Degree)

TOMMIE MURRY, Jr.

and

THE EXCEL CENTER, INC.

between on or about July 19, 1995 and on or about December 13, 1996, at the City of Vineland, in the County of Cumberland, elsewhere within the jurisdiction of this court, purposefully did obtain the property of another in an amount in excess of \$75,000 by deception, that is, the said TOMMIE MURRY, Jr., the Executive Director of THE EXCEL CENTER, INC., did solicit, aid and agree to aid others to purposefully obtain Medical Assistance payments under the New Jersey Medical Assistance and Health Services Act, (N.J.S.A. 30:4D-1 et seq.), in an amount in excess of \$75,000 by submitting or causing to be submitted claims through Newcomb Medical Center, a Medicaid provider pursuant to N.J.S.A. 30:4D-3(h), which created or reinforced the false impression that certain group therapy services were provided by THE EXCEL CENTER, INC. for Medicaid recipients who were the subjects of the claims,

WHEREAS, in truth and in fact, as the said TOMMIE MURRY, Jr., well knew, the group therapy services were not provided by THE EXCEL CENTER, INC. to the Medicaid recipients who were the subjects of the claims, contrary to the provisions of N.J.S.A. 2C:20-4 and N.J.S.A. 2C:2-6, and N.J.S.A. 2C:2-7, and against the peace of the State, the government and dignity of the same.

COUNT THREE

(Medicaid Fraud - Third Degree)

TOMMIE MURRY, Jr.

and

THE EXCEL CENTER, INC.

between on or about July 19, 1995 and on or about December 13, 1996, at the City of Vineland, in the County of Cumberland, elsewhere and within the jurisdiction of this Court, wilfully did obtain or cause to be obtained medical assistance payments under the New Jersey Medical Assistance and Health Services Act, N.J.S.A. 30:4D-1 et seq., to which the said, TOMMIE MURRY, Jr., and THE EXCEL CENTER, INC., were not entitled, in that the said TOMMIE MURRY, Jr. and THE EXCEL CENTER, INC., did solicit, aid and agree to aid others to receive medical assistance payments based upon claims submitted through Newcomb Medical Center, a provider pursuant to N.J.S.A. 30:4D-3 (h), which contained false representations concerning the provision of group therapy services to certain Medicaid recipients who were the subjects of the claims, contrary to the provisions of N.J.S.A. 30:4D-17(a), N.J.S.A. 2C:2-6 and N.J.S.A. 2C:2-7, and against the peace of this State, the government and dignity of the same.

COUNT FOUR

(Medicaid Fraud - Third Degree)

TOMMIE MURRY, Jr.

and

THE EXCEL CENTER, INC.

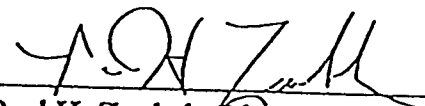
between on or about July 19, 1995, and on or about December 13, 1996, at the City of Vineland, in the County of Cumberland, elsewhere and within the jurisdiction of this Court, did knowingly and wilfully make or cause to be made a false statement of material fact for use in determining the rights to payment under the New Jersey Medical Assistance and Health Services Act, N.J.S.A. 30:4D-1 et seq., in that the said, TOMMIE MURRY, Jr., did solicit, aid and agree to aid others to knowingly and willfully falsify or cause to be falsified information on attendance records of THE EXCEL CENTER, INC., stating that group therapy services had been provided to certain Medicaid recipients, which information was used to support claims for payment submitted by Newcomb Medical Center, a Medicaid provider pursuant to N.J.S.A. 30:4D-3(h), when, in truth and in fact, as the said TOMMIE MURRY, Jr. well knew, the information was false in that group therapy services had not been provided to the Medicaid recipients who were the subject of the claims, contrary to the provisions of N.J.S.A. 30:4D-17(b), N.J.S.A. 2C:2-6 and N.J.S.A. 2C:2-7, and against the peace of this State, the government and dignity of the same.

COUNT FIVE

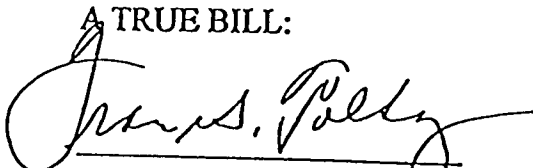
(Misconduct By Corporate Official - Second Degree)

TOMMIE MURRY, Jr.

between on or about July 19, 1995 to on or about December 13, 1996, at the City of Vineland, in the County of Cumberland, elsewhere and within the jurisdiction of this Court, purposely or knowingly did use, control or operate a corporation for the furtherance or promotion of a criminal object, thereby deriving a benefit of \$75,000 or more, that is said, TOMMIE MURRY, Jr., did use, control or operate THE EXCEL CENTER, INC., a corporation of the State of New Jersey, for the furtherance or promotion of the criminal objects of Theft by Deception, in violation of N.J.S.A. 2C:20-4 and Medicaid Fraud, in violation of N.J.S.A. 30:4D-17(a) and (b), in that the said TOMMIE MURRY, Jr., did operate THE EXCEL CENTER, INC., to commit the crimes alleged in Counts Two, Three and Four, which are realleged and incorporated by reference herein, contrary to the provisions of N.J.S.A. 2C:21-9c and against the peace of this State, the government and dignity of the same.

  
Paul H. Zoubek, Director  
Division of Criminal Justice

A TRUE BILL:

  
James S. Kelly, Foreperson

Dated: 10/9/98

I hereby certify that the foregoing  
is a true copy of the original on file  
in my office.

  
Clerk